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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA,	) NO. CV 15-05750
	)
Plaintiff,	) <u>VERIFIED COMPLAINT FOR</u>
	) <u>FORFEITURE</u>
v.	)
	) 21 U.S.C. § 881(a)(6) and 18
\$158,899.00 IN U.S. CURRENCY,	) U.S.C. § 981(a)(1)(C)
	)
Defendant.	) [HSI]
	)
	)

The United States of America brings this claim against the defendant \$158,899.00 in U.S. Currency, and alleges as follows:

JURISDICTION AND VENUE

1. The government brings this in rem forfeiture action pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(a)(1)(C).

1           2.     This court has jurisdiction over the matter under 28  
2 U.S.C. §§ 1345 and 1355.

3           3.     Venue lies in this district pursuant to 28 U.S.C.  
4 § 1395.

5                           PERSONS AND ENTITIES

6           4.     The plaintiff is the United States of America.

7           5.     The defendant is \$158,899.00 in U.S. Currency (the  
8 "defendant currency") seized on March 21, 2014 from a vehicle  
9 being operated by Vidal Gutierrez Vargas ("Vargas") near the  
10 intersection of Lemon Avenue and Del Amo Boulevard in Long  
11 Beach, California.

12          6.     The defendant currency was seized by law enforcement  
13 officers and is currently in the custody of the United States  
14 Customs and Border Protection ("CBP"), where it will remain  
15 subject to this Court's jurisdiction during the pendency of this  
16 action.

17          7.     The interests of Israel Zuniga ("Zuniga") and Vargas  
18 may be adversely affected by these proceedings.

19                           EVIDENCE SUPPORTING FORFEITURE

20          8.     On March 20, 2014, members of the Los Angeles  
21 Interagency Metropolitan Police Apprehension Crime Task Force  
22 ("LA IMPACT") were conducting an on-going narcotics  
23 investigation in Long Beach, California. LA IMPACT officers  
24 conducted surveillance on Zuniga (a suspected drug trafficker)  
25 in the Los Angeles area until Zuniga returned to his home in  
26 Montebello, California.

27          9.     On March 21, 2014, LA IMPACT officers resumed  
28 surveillance of Zuniga at his residence where they saw him carry

1 a black duffel bag, which appeared to be weighted, down to his  
2 car. Zuniga entered his vehicle and drove off. Officers  
3 followed Zuniga to his girlfriend's apartment in Montebello,  
4 California. After leaving his girlfriend's apartment, Zuniga  
5 drove to a residence in Long Beach, California. Officers saw  
6 Zuniga enter the residence carrying a light tan bag and then  
7 leave the residence empty-handed approximately 30 minutes later.

8 10. Approximately 10 minutes after Zuniga exited the Long  
9 Beach residence, Vargas was seen leaving the same residence  
10 carrying the same light tan bag Zuniga had taken into the  
11 residence. Vargas then placed the light tan bag into the trunk  
12 of a Toyota Camry and drove away.

13 11. LA IMPACT officers followed Vargas and saw that he was  
14 driving erratically, in a manner consistent with counter-  
15 surveillance tactics.<sup>1</sup> Due to his erratic driving, a Long Beach  
16 Police Department patrol car initiated a vehicle stop for an  
17 illegal lane change.

18 12. During the stop, Vargas consented to a search of his  
19 vehicle, including the trunk. In the trunk of the vehicle,  
20 officers found the light tan bag.

21 13. Officers asked Vargas if he knew the contents of the  
22 bag, to which Vargas estimated there was approximately  
23 \$140,000.00 and alleged that the money was to be used to buy a  
24 house. The light tan bag actually contained \$158,899.00 in U.S.

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25  
26 <sup>1</sup> Counter-surveillance tactics are maneuvers used by one party to escape the  
27 suspected surveillance of another party (i.e., criminals will use counter-  
28 surveillance techniques to "lose" police surveillance. They may make several  
right-hand turns to see if any vehicles behind them make the same turns, or  
they may make sudden lane changes, particularly onto exit ramps, to see if  
any other vehicles make the same sudden movement.)

1 currency (i.e., the defendant currency), which was bundled,  
2 bound by rubber bands, and secured inside multiple zip-lock  
3 style baggies, and pay/owe sheets. Vargas was then arrested  
4 pursuant to California Penal Code § 11370.6(A) (possession of  
5 proceeds of the sale of narcotics).

6 FIRST CLAIM FOR RELIEF

7 14. Plaintiff incorporates the allegations of paragraphs  
8 1-13 above as though fully set forth herein.

9 15. Based on the above, plaintiff alleges that the  
10 defendant currency represents or is traceable to proceeds of  
11 illegal narcotic trafficking or was intended to be used in one  
12 or more exchanges for a controlled substance or listed chemical,  
13 in violation of 21 U.S.C. § 841 et seq. The defendant currency  
14 is therefore subject to forfeiture pursuant to 21 U.S.C. §  
15 881(a)(6).

16 SECOND CLAIM FOR RELIEF

17 16. Plaintiff incorporates the allegations of paragraphs  
18 1-13 above as though fully set forth herein.

19 17. Based on the above, plaintiff alleges that the  
20 defendant currency constitutes or is derived from proceeds  
21 traceable to a controlled substance violation, a specified  
22 unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and  
23 1961(1)(D). The defendant currency is therefore subject to  
24 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C).

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28

1 WHEREFORE, plaintiff United States of America prays that:

2 (a) due process issue to enforce the forfeiture of the  
3 defendant currency;

4 (b) due notice be given to all interested parties to  
5 appear and show cause why forfeiture should not be decreed;

6 (c) this Court decree forfeiture of the defendant currency  
7 to the United States of America for disposition according to  
8 law; and

9 (d) for such other and further relief as this Court may  
10 deem just and proper, together with the costs and disbursements  
11 of this action.

12  
13 DATED: July 29, 2015

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STEVEN R. WELK  
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18 \_\_\_\_\_/s/  
19 LUCAS E. ROWE  
20 Special Assistant United States  
21 Attorney

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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

VERIFICATION

I, Joshua Bonesz, hereby declare that:


1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations.

2. I have read the above Complaint for Forfeiture and know the contents thereof.

3. The information contained in the Complaint is either known to me personally or was furnished to me by official government sources. I am informed and believe that the allegations set out in the Complaint are true.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 28, 2015 at Santa Ana, California.

  
JOSHUA BONESZ  
Special Agent  
Homeland Security Investigations